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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,268	09/11/2003	Akira Sakai	Q77341	3523

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EXAMINER

HERNANDEZ, OLGA

ART UNIT PAPER NUMBER

2144

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/659,268

Applicant(s)

SAKAI ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/11/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 1/19/05 have been fully considered but they are not persuasive.

Applicant argues that Ito does not teach "every elements of the claimed invention." Specifying the limitation of: "when the communication unit *attempts* to receive the information of a total drive route connecting the place of destination and the place of departure that are set up by the setting unit, but does not receive the total drive route, and the communication unit receives the information of a drive route which meets a predetermined requirement and which is a part of the total drive route, the drive route unit starts guiding on the basis of the received information of the drive route which is the part of the total drive route." The examiner disagrees. Attempt is: to try to perform, make, or achieve,<sup>1</sup> which it does not perform a positive limitation. So, it can be or it cannot be done. Attempting to receive information of the total drive route connecting two points (e.g. origin and destination) are set up, but does not receive the total drive route. This indicates that the system intention is to communicate and acquire the total drive route; however, something happens, which does not allow the reception of the total drive route. Ito discloses transmitting essential data necessary for route guidance to reduce the amount of data to be transmitted from the navigation base apparatus to the vehicle navigation apparatus (column 8, lines 40-50). In addition, Ito discloses

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various known methods such as taking intermediate passage points through which the vehicle will travel into account (column 11, lines 42-44). In which intermediate points is in the same as course change point, where Ito provides detail route guidance about the prescribed range around/including the course-change point is extracted from the database [remote site, 150, 153] (column 13, lines 2-4, figure 1), which is part and not the total drive route. In figure 3, Ito discloses in step 4, extracting course change points, and extracting guidance data for the surrounding area of the ith numbered course change point (step 6), where Ito is not extracting the total drive route from departure and destination point. Ito considers the departure and destination points, but Ito is not extracting guidance information from the departure point through the destination point. Remember, **attempting** is open to circumstances/options, which are shown by the prior art of record (Ito). Furthermore, Ito discloses the course of change point, which has just been passed through forms the starting point for displaying a simple map that includes the next two course-changes points (column 24, lines 63-65). In which, the original starting point is not longer present and/or considered as starting point, which now is the change point. Further, applicant is claiming "the information of a drive route which meets a predetermined requirement and which is part of the total drive route." In which, Ito's partial route is part of the total route (column 25, lines 14-19) and where Ito meets a predetermined requirement (change point), where Ito discloses a detail route guidance about the prescribed range around/including the course-change point is

extracted from the database [remote site, 150, 153] (column 13, lines 2-4, figure 1), which is part and not the total drive route (figure 3).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al (6,249,740).

Ito discloses a positioning unit for positioning a current location of a mobile unit; a setting unit for setting up a place of departure and a place of destination; a communication unit for transmitting and receiving information to and from an information center; a temporary storage unit for storing the drive route information received by the communication unit; and a drive guide unit for guiding the driving on the basis of the current location positioned by the positioning unit and the drive route information stored in the temporary storage unit, wherein when the communication unit attempts to receive the information of a total drive route connecting the place of destination and the place of departure that are set up by the setting unit, but does not receive the total drive route, and the communication unit receives the information of a drive route which meets a predetermined requirement and which is a part of the total drive route, the drive route

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unit starts guiding on the basis of the received information of the drive route which is the part of the total drive route (figures 42, 22, 1, 3, 8A, 9, 10, 30-32, column 2, lines 32-45, column 25, column 24, lines 63-65, column 13, lines 2-4, column 11, lines 42-44, column 8, lines 40-50). In addition, Ito discloses the communication unit transmits a request to acquire the information of a drive route from an end of the received drive route to the place of destination from the information center, while the drive guide unit is making guiding on the basis of the information of the received route which is part of the total drive route (column 2, lines 32-45).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

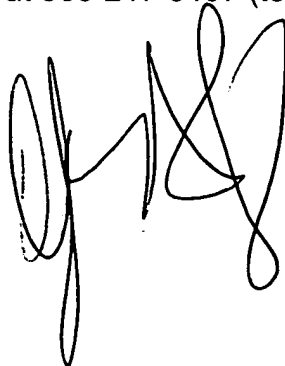
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 571-272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'OH' with a large loop at the end.

Olga Hernandez  
Examiner  
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